

## **Relocation and Expanding Opportunities for Public Housing Residents:**

### **Draft Recommendations** on Relocation Guidance for the HOPE VI Program

The following is general guidance for Public Housing Agencies (PHAs) that are HOPE VI grantees, or that are planning for a HOPE VI application, on administration of the relocation process and provision of expanded housing opportunities for residents of HOPE VI revitalization sites. This guidance provides:

- clear and consistent standards for relocation planning and implementation that satisfy the minimum legal requirements, and go beyond those minimums to achieve the goals and objectives of the HOPE VI program;
- examples of proven strategies and "best practices" for supporting residents of HOPE VI sites with appropriate services as they relocate temporarily or permanently and move toward achievement of higher degrees of self-sufficiency and economic independence (see Attachment A--Best Practices);
- a suggested framework and timeline for planning and implementing an effective relocation plan (see Attachment B--Timeline);
- references to applicable regulations and other relevant guidance and resources (see Attachment C--Reference Materials); and
- a summary of basic relocation benefits for tenants required by the "Uniform Relocation Act" (URA) (see Attachment D--Summary of Basic Relocation Benefits).

### **Background**

All HOPE VI revitalization efforts involve relocation of residents from their homes prior to demolition or renovation of the existing development. This disruptive and disorienting process must be conducted in compliance with the applicable relocation and civil rights laws and regulations including the URA. (See Attachment C for references to these laws and regulations.) The following guidance does not replace these laws and regulations, but is provided to supplement them. Merely meeting the requirements of the URA and mitigating the hardships of displacement will not achieve the goals of the HOPE VI program.

Congress has charged HOPE VI with the goals of "improving the living environment for public housing residents," and "providing housing that will avoid or decrease the concentration of very low-income families." These goals apply to every HOPE VI-funded project whether residents will return to the site following revitalization, move permanently to other public housing, move to private market housing utilizing tenant-based Section 8 assistance, or purchase a home. The HOPE VI program provides PHA grantees with significant funding and technical assistance designed to help them plan for and achieve these goals.

Success in the HOPE VI program ultimately will be judged, in large measure, by its effectiveness in helping residents take advantage of opportunities to improve their lives and their living environments before, during and after relocation. Local efforts toward meeting these goals must start with collaborative planning during the HOPE VI application stage, and continue with the provision of appropriate supportive services to the original residents of the development immediately following grant award. (See separate guidance on "Community and Supportive Services for Original Residents.") It is critically important, therefore, that HOPE VI grantees meet and collaborate with public housing residents individually and as a group early in the process of planning for and implementing relocation efforts. This will assure that both individual needs and program goals are met.

An important product of this collaboration with residents is a detailed Relocation Plan to be submitted to HUD by the PHA, as part of either a demolition application or the HOPE VI Revitalization Plan. The Relocation Plan addresses the particular circumstances of the revitalization effort including specific relocation options, assistance to be provided to residents and criteria for re-occupancy of the site following renovation or new construction.

### **Key Principles for HOPE VI Relocation**

It is the responsibility of each HOPE VI grantee to ensure that relocating families have sufficient information, services and resources to make meaningful and informed choices about where to live. While individual families retain the right to choose where to live, the range of available options must include the opportunity for each of the original residents of the HOPE VI development to reside in a better living environment following revitalization. This goal is automatically achieved for all original residents who return to the revitalized site. Grantees must ensure, however, that families who do not return to the revitalized site also have access to better living environments. To fulfill the statutory goal of providing families with "housing that will avoid or decrease the concentration of very low-income families," grantees must take steps to ensure that relocating families have meaningful opportunities to live in areas outside of poverty and minority concentration.

To address these goals, there are four key principles of the HOPE VI program regarding relocation: **1) resident involvement, 2) early planning, 3) maximizing opportunities, and 4) community and supportive service coordination.** Each is described below.

1. **Resident involvement** in the planning process is critical to relocation and mobility success. The essential aspects of resident involvement specifically related to relocation are discussed in this document. The general principles of resident involvement in HOPE VI—collaboration, inclusion, communication and participation—are described in greater detail in a separate document entitled "Resident and Community Involvement: General Guidance for the HOPE VI Program" (see Attachment C).

Early and continuing involvement of the residents affected directly by relocation is particularly important—from development of the Relocation Plan to establishment of standards for re-occupancy of the site. Original residents must have opportunities to be actively involved in the issues that affect them most directly such as identification and development of temporary and permanent relocation options, and the establishment of any new re-occupancy standards.

In every case, each household is to be surveyed individually with respect to both their temporary and permanent relocation preferences. Many grantees have found that multiple surveys, individual counseling and group information sessions are needed to clearly explain all housing options, particularly where literacy and language barriers present obstacles.

Where there is an existing Resident Association, issues of maintaining or reconfiguring the Association during and after revitalization should be addressed early and openly. There is no one acceptable model for this process and HUD expects that solutions based on local needs and interests will be reached among the stakeholders.

2. **Early planning** is essential to success in the relocation process. Planning for relocation options must start as part of the HOPE VI grant application planning process and be intensified immediately upon grant award. HOPE VI grantees must develop and submit for prior HUD approval a detailed Relocation Plan well in advance of the time the first families are required to move. The Relocation Plan is submitted to HUD with either the PHA's demolition application or the HOPE VI Revitalization Plan, depending on local circumstances.

Relocation Plan template: To facilitate relocation planning that advances the goals of the HOPE VI program, this guidance includes an internet web link to a guideform that may be used in developing a Relocation Plan. The web link can be found in Attachment C--Reference Materials. HOPE VI grantees may find the guideform to be a useful aid in recording decisions made, and options identified, as they conduct the relocation planning required by the URA and other laws and regulations. Attachment A--Best Practices, also includes internet web links to model HOPE VI relocation plans that are already being implemented successfully.

HOPE VI Relocation Plans must reflect the particular circumstances of the grantee's revitalization efforts and the local housing market. They must also be consistent with this guidance and comply with the URA. Among other things, a Relocation Plan must include:

- an accounting of the resident households to be temporarily or permanently relocated;
- a projection of the number of households expected to return to the site following revitalization;
- a realistic assessment of the housing opportunities available to relocating families in the local area, the number and types of moves expected to be paid for by the PHA, including the number who plan to relocate with Section 8 assistance;
- information regarding the specific steps the PHA plans to take to implement a relocation process that minimizes the adverse impacts of relocation and/or displacement;
- information regarding how the grantee will provide coordinated case-management services so that relocating families will have the maximum opportunity to become self sufficient; and
- information regarding any steps the grantee anticipates taking to assure that residents who relocate with Section 8 tenant-based assistance are supported in making a smooth transition to private-sector housing.

Relocation Data in the HOPE VI Application: As part of the HOPE VI grant application process, all applicants provide narrative information to HUD about anticipated relocation activities. They also complete several "Application Data" forms that include relocation data. After a grant is awarded this information is incorporated into the PHA's HOPE VI Revitalization Plan, and the information contained in data forms becomes the baseline for quarterly HOPE VI project reporting to HUD. The Application Data forms include information about the number of households to be relocated, estimates of the number of families that will relocate within public housing, with Section 8 assistance, etc., and a budget for relocation. Preparation of the HOPE VI grant application, therefore, requires effective, early relocation planning by applicants.

Early Contacts with Residents: During the HOPE VI Grant application process, prospective grantees must invite residents to become informed and involved in planning activities. Relocation is difficult under the best of circumstances, and having to relocate with limited information or with no opportunity for input into the process is particularly disruptive to family and community life. It is critical, therefore, that all families are invited to participate, and to become informed about possible relocation options at the earliest possible time so they have time to plan for major change.

Early Notices to Residents: Following the initial engagement of residents in the planning and information process, the PHA must provide various notices to residents as required by the Uniform Relocation Act (see the HUD Relocation Handbook 1378, referenced in Attachment C, for complete information on these requirements). Generally, as soon as feasible following the PHA board of directors' decision to submit a demolition application or HOPE VI grant application to HUD (whichever is first), prospective grantees provide each household with a formal "General Information Notice" regarding the proposed project and related relocation matters. This provides residents with a general description of the project, the activities planned, the relocation benefits and assistance available. It will also urge residents not to move prematurely.

Following HOPE VI grant award or demolition approval by HUD, and prior to requiring any tenants to relocate, the grantee must provide each household with additional formal notice--either a "Notice of Nondisplacement" (typically used in a rehabilitation, rather than a demolition situation), or a "Notice of Eligibility for Relocation Assistance." PHAs must also provide a "90-day Notice" prior to requiring tenants to relocate. This Notice is often combined with the Notice of Eligibility. Again, PHAs administering relocation must consult the Relocation Handbook 1378 for detailed notice requirements.

As early as possible, PHAs should provide residents with complete information on their relocation options. This information will be more general during early stages of the planning process, and will become very specific as the time for relocation approaches. Residents must be informed of the specific relocation services and benefits to which they are entitled and any procedures that must be followed to obtain them. It is strongly recommended that PHAs begin to provide this information to residents at least six months prior to the time the first resident must relocate in order to give families time to plan for any disruptive transitions such as changes in schools, day care providers, etc.

Relocation with Section 8 Tenant-Based Assistance: In planning the timing of relocation using Section 8 tenant-based subsidies, grantees must ensure that a sufficient number of units are identified, and that families have adequate time to search for new housing *prior* to the time tenants begin vacating their units. Grantees should use all feasible strategies to maximize opportunities for mobility counseling and successful private market housing searches for those families who elect to use Section 8. Landlord recruiting, tenant orientation activities, tenant counseling to overcome mobility obstacles, and housing search assistance should start at the earliest feasible date. Families should be issued their certificates at the earliest possible date--ideally at least 120 days prior to required relocation. Grantees should also provide tenants with the maximum feasible extensions of housing search time.

Relocation planning must be conducted in close collaboration with the affected residents as described in the previous section. Merely issuing the required formal relocation notices is not acceptable and will not address the goals of the HOPE VI program. In order to minimize fear and rumors, meetings with tenant families must commence before formal written relocation notices are issued.

**3. Maximizing opportunities** for original residents to improve the quality of their lives and achieve self-sufficiency is essential to the success of the HOPE VI program. Maximizing opportunities for the original residents involves:

- exceeding the basic legal URA standards applicable to the relocation of residents where necessary to address the goals of the HOPE VI program;
- providing residents with the information, services, tools and support they need to have a meaningful and informed choice of living environments, including the choice to live in areas outside of poverty and minority concentration; and
- maximizing the opportunities for the original residents to return to the revitalized site, if they wish to do so.

Basic Relocation Standards: A number of original residents may not return to the HOPE VI site for a variety of reasons, and some families may be required to relocate more than once. To ensure that public housing residents affected by HOPE VI activity receive adequate relocation benefits and counseling during the initial relocation process, grantees should provide all families to be relocated off the site in the context of a HOPE VI project with the benefits and services required to be provided to "displaced persons" under the Uniform Relocation Act (URA). A summary of these benefits is included as Attachment D. For complete information regarding required benefits, PHAs must refer to the URA implementing regulations at 49 CFR Part 24, as well as HUD's relocation Handbook 1378.

Meaningful and Informed Choice: In planning and implementing their HOPE VI grants, PHAs and their partners must strive to accomplish the statutory HOPE VI goals of "improving the living environment for public housing residents" and "providing housing that will avoid or decrease the concentration of very low-income families." A critical step in achieving both of these objectives is to provide each family residing in a public housing development scheduled for demolition or rehabilitation with a "meaningful and informed choice" of housing options, including housing opportunities outside areas of poverty and minority concentration. Providing families with these housing options means:

- complying fully with the letter and spirit of applicable rules and regulations including the Uniform Relocation Act;
- striving to offer families the greatest possible range of housing options (including, to the greatest extent feasible, the option to return to the revitalized development);
- ensuring that families have the financial means to pay for the housing opportunities offered to them ( which may include URA rental assistance--as a general rule, housing choices offered to families should not result in an increase in the family's total costs for rent and utilities);
- offering families the services and assistance needed to allow them to access a particular housing opportunity (for example, grantees must provide families with transportation assistance

to allow them to investigate different housing opportunities, and assistance in overcoming obstacles to moving such as utility hook-ups, move-in deposits, etc.);

- ensuring that families have access to the information they may need to make informed decisions about where to live, including the relative benefits of different neighborhoods with regard to job opportunities, children's schooling, transportation and services; and
- allowing families to make the final decision about where to live among the available relocation housing options.

Mobility Practices: To effectively support tenants relocating with Section 8 assistance, a PHA must take steps to provide families with meaningful and informed choices of living environments. Some possible strategies that may be used by a PHA are addressed in the PHA's Section Eight Management Assessment Program (SEMAP) Certification, indicator #7, "Expanding Housing Opportunities." The certification form is referenced in Attachment C. Examples of mobility counseling "best practices" may also be found through the internet web links referenced in Attachment A.

Housing Opportunities outside areas of poverty and minority concentration: Families should be given the broadest possible range of relocation choices, including options to move outside areas of poverty and minority concentration. To this end, housing opportunities outside such areas should be included among the housing choices offered to each relocating family. (Note also that poverty and minority concentration may be significantly reduced at the HOPE VI site itself following revitalization.)

For purposes of this guidance, HUD recommends that an "area of poverty concentration" be defined as one in which 20 percent or more of the population has incomes below the federal poverty line, and that an "area of minority concentration" be defined as one in which the proportion of households who are members of minority groups is greater than the proportion of households who are minority in the metropolitan area (or non-metropolitan county) in which the project is located. PHAs may adopt alternative definitions of these terms, and should engage residents in their deliberations on the matter.

Opportunity for Re-occupancy: The first choice of many original site residents may be to return to the revitalized community. HOPE VI grantees are responsible for presenting this option to all relocating families during the tenant survey process prior to relocation. Generally, PHAs offer original residents who remain in good standing the first-priority right of re-occupancy of the revitalized development. Where lawful and appropriate, the new, mixed-income project may have standards of admissions and occupancy that are stricter than previously applied. However, any standards applicable to the re-occupancy by original residents must be strictly related to their future suitability as tenants.

Grantees must plan collaboratively with residents and other stakeholders to establish the terms and conditions under which re-occupancy of the revitalized community will be open to original residents. Consistent with the goal of maximizing the opportunities for re-occupancy by the original residents, grantees must attempt to identify potential obstacles to re-occupancy, and develop a program of counseling and services aimed at overcoming them. PHAs must work with individual families to identify and address their particular needs, and potential obstacles to re-occupancy.

- 4. Community and supportive services (CSS) coordination** that begins early and follows each relocating family with coordinated case management is critical to the success of HOPE VI revitalization efforts. PHAs are obligated to use their HOPE VI CSS funding to provide (either directly or through partnerships and/or contractors) case management and a range of services designed to help those HOPE VI site residents who need support to make the transition to self sufficiency. This applies to residents who intend to return to the site, and those who do not intend to do so. HUD's policy guidance in this area is covered fully in a separate document entitled "Community and Supportive Services for Original Residents: General Guidance for the HOPE VI Program." It serves as an introduction to the process of formulating the required Community and Supportive Services Workplan which is incorporated into each grantee's HOPE VI Revitalization Plan.

HOPE VI Grantees must coordinate the planning and implementation of a community and supportive services workplan for original residents with the relocation planning and implementation process.

Services for residents of the original site must be initiated at the earliest feasible date, and the CSS Workplan must describe how residents will be tracked as they relocate, and how services will follow displaced residents as well as those who return. When grantees submit their first predevelopment budget, they may request reimbursement for community and supportive services provided from the date of grant award.

During the relocation process residents face formidable challenges that may prevent them from achieving self-sufficiency and from taking advantage of the full range of relocation options available to them--challenges that can often be overcome with the support provided by appropriate and timely services and case management.

### **Training, Partnerships and Resources**

PHAs are responsible for providing or funding training for residents on the development process, including the relocation aspects and Section 8. Residents and PHAs are to work in close collaboration to identify specific needs, the available resources and appropriate sources of training and support to meet those needs. HOPE VI funds are very flexible and may be used to address certain specific needs. For example, HOPE VI funds may be used to make modifications to a Section 8 rental unit to make it accessible for persons with disabilities, if the unit is to be occupied by a relocating resident of the HOPE VI site. Grantees should address questions about allowable uses of HOPE VI funds to their HUD Grant Manager.

HUD training and technical assistance, local and national non-profit agencies, local universities and others should also be considered as potential resources in this regard. Consult the "best practice" examples referenced in Attachment A for ideas and resources.

Mobility programs in particular require specialized expertise that may not exist within the public housing agency. Local fair housing organizations, faith-based organizations, disability rights groups and others with experience in overcoming barriers to housing mobility should be considered as potential resources in pursuing mobility and deconcentration goals.

HUD is also an important source of assistance. For example, HUD's Multifamily Tenant Characteristics System (MTCS) can now produce "Section 8 Deconcentration Analysis" reports that will identify areas where high concentrations of families currently receive Section 8 tenant-based assistance. The MTCS can also provide corresponding demographic data about the specific Census Tracts in which tenants currently receive Section 8 assistance. This information can be important in formulating a Section 8 mobility program that avoids creating new concentrations of low-income housing during the HOPE VI relocation process.

### **Conclusion**

The HOPE VI program is designed to improve the living environment for public housing residents while avoiding or decreasing the concentration of very low-income families. Public Housing Authorities that pursue revitalization of their severely distressed developments through the HOPE VI program will create opportunities for residents to improve their lives while achieving these programmatic goals. Planning for and implementing relocation in the context of HOPE VI can be complex and challenging, but provides an excellent opportunity for a PHA to develop new, collaborative relationships with the residents of their distressed developments.

The guidance in this document and the resources referred to in the attachments will help HOPE VI applicants and grantees to meet the goals of the HOPE VI program. By following the key principles of resident involvement, early planning, maximizing opportunities and service coordination, and by developing appropriate partnerships, these goals will be realized by every HOPE VI grantee.

## **Attachment A: “Best Practices” Examples**

The Housing Research Foundation--a not-for-profit organization--has received funding from the Department of Housing and Urban Development to administer an internet web site devoted to providing information and resources to the public regarding the HOPE VI program. The internet address for the Housing Research Foundation's HOPE VI home page is:

[www.housingresearch.org](http://www.housingresearch.org)

The above web site includes a “Reference Library” of useful HOPE VI resources, including dynamic web links to documents and other materials describing HOPE VI relocation “best practices” in the following general categories:

- Resident involvement, e.g., Memorandums of Understanding (MOUs) between PHAs and resident councils, resident Bills of Rights for HOPE VI projects, descriptions of resident involvement in HOPE VI Community Task Forces, etc.;
- Mobility counseling and “deconcentration” program descriptions and evaluations, including tenant orientation materials and slide-shows, etc. (for example, an excellent newsletter regarding Section 8 housing mobility issues is available at: [www.abtassoc.com/newsletters/housing-strategies/HS-V2-l3.pdf](http://www.abtassoc.com/newsletters/housing-strategies/HS-V2-l3.pdf));
- Relocation Plans specific to HOPE VI demolition and revitalization projects, tenant relocation tracking systems, etc.;
- Web links to HUD relocation resources such as the Special Application Center (SAC) public housing demolition application kit and related Public and Indian Housing Notices and regulations, etc. (for example, the HUD SAC's demolition kit and related material is available at: [www.hud.gov:80/pih/sac/demodispo.html](http://www.hud.gov:80/pih/sac/demodispo.html));
- Lists of third-party resources such as evaluation research firms, relocation consultants, tenant advocacy groups, disability rights groups, etc. While HUD does not specifically endorse or recommend any of these third-parties, some may prove to be useful resources for PHAs that are planning and implementing HOPE VI relocation activities.

HUD strongly urges all HOPE VI grantees and prospective grantees to become familiar with the extensive resources available on the Housing Research Foundation web site, and to return to the site frequently in order to keep abreast of the most recent news and information regarding the HOPE VI program.

## Attachment B: HOPE VI Relocation Timeline (typical)

The sequence of events and activities involved in applying for a HOPE VI grant, and implementing the related relocation activities, will vary depending on the particular circumstances of each HOPE VI site. For instance, some HOPE VI grantees will have previously applied for and received HUD approval to demolish a severely distressed housing development, while others will apply for HUD demolition approval in the context of seeking HUD approval of their HOPE VI Revitalization Plan.

Whatever the sequence of events and activities, early planning is the key to success. This timeline suggests one typical scenario. (For complete information on relocation requirements, and for another perspective on the sequence of relocation planning and implementation activities, see the HUD Relocation Handbook 1378--particularly the relocation planning and implementation timeline provided as Appendix 1 to that Handbook.)

### I. **Planning:** prospective grantee PHA develops a Relocation Plan in parallel with preparation of a HOPE VI application.

- A. PHA identifies the prospective HOPE VI site and the PHA Board authorizes the staff to prepare a HOPE VI application.
- B. PHA invites residents and community stakeholders to participate in the planning process that will determine whether to apply for a HOPE VI grant and, if so, what should be proposed in the grant application.
- C. PHA develops a draft Relocation Plan in collaboration with residents. The planning process involves the following types of activities, many of which may occur at the same time:
  1. Formulate estimate of replacement public housing units.
  2. Identify the full range of relocation options. The PHA should gather sufficient information about market conditions and other local factors to make informed judgments about the potential for replacement public housing for various income groups, and relocation options it will propose for public housing residents in its HOPE VI application. This leads to projections regarding:
    - a. number of tenants who will re-occupy the site (discussions should begin with residents regarding re-occupancy standards);
    - b. number of tenants who will relocate using Section 8 tenant-based assistance (the PHA should begin designing its deconcentration and mobility strategies at this early stage of the project), and
    - c. number of residents who will relocate to other public housing, etc.
  3. PHA reviews its MTCS Section 8 Deconcentration Analysis Report, and considers various housing mobility strategies to address deconcentration and expand opportunities, e.g., recruiting additional Section 8 landlords with a particular emphasis on landlords outside areas of poverty and minority concentration, etc.
  4. Establish draft relocation schedule to discuss with residents.
  5. Conduct preliminary tenant relocation preferences survey. The PHA must give serious consideration to the survey results in preparing its HOPE VI application and in determining relocation options to be offered.
  6. Establish relocation budget and identify resources needed (Section 8, etc.).
  7. Complete relocation plan (may use HUD Relocation Plan guideform template)

- D. PHA Agency Plan process: in parallel with the HOPE VI planning process, the PHA will need to incorporate aspects of its proposed HOPE VI demolition and revitalization activities into its Agency Plan. This may include features such as:
  - 1. Proposal for demolition and/or disposition of the severely distressed development.
  - 2. Proposal for an agency-wide (poverty and minority) deconcentration plan.
  - 3. Proposal to utilize one or more site-based waiting list(s) at its developments.
  - 4. A review of the locality's Consolidated Plan, including its "analysis of impediments to fair housing," and a description of how the proposed HOPE VI activities addressing any impediments identified, etc.
- F. PHA drafts outline Community and Supportive Services Workplan for current residents.
- G. PHA holds required public hearings for PHA Plan and HOPE VI application.
- H. PHA Board approves, and submits to HUD, the HOPE VI grant application.
- I. PHA submits demolition application (including a refined Relocation Plan), as either
  - 1. A stand-alone demolition and/or disposition application to the HUD Special Application Center, or
  - 2. As part of a HOPE VI application (which becomes part of the PHA's HOPE VI "Revitalization Plan").
- H. PHA distributes a General Information Notice to each household, including information from the Relocation Plan, cautioning them not to move. (The timing of the issuance of this Notice may vary depending on local circumstances, project timing and phasing, and other requirements. See Relocation Handbook 1378, paragraph 2-3 for information about this required Notice.)

## **II. Relocation Implementation**

- A. HUD announces HOPE VI Grant award.
- B. HUD approves the PHA's demolition and/or disposition application for the severely distressed development, either as part of the stand-alone demolition/disposition application, or as part of the PHA's HOPE VI Revitalization Plan.
- C. Grantee PHA requests HUD approval of its HOPE VI Community and Supportive Services Workplan, and may initiate relocation program services and activities.
  - 1. The PHA is may begin to implement its CSS Workplan, and initiate case management activities following grant award, and may request reimbursement for those activities in its initial predevelopment budget. The PHA should begin with an assessment of each family's services needs. The assessment is also a good time to review relocation options and conduct a more detailed relocation survey. Among the issues that should be flagged during the assessment are those that may be obstacles to successful relocation. Services to help families overcome these obstacles should begin as soon as feasible.
  - 2. The PHA should initiate training for current residents designed to maximize the number of residents who can take advantage of employment opportunities created by HOPE VI activity (i.e., demolition, reconstruction, administration, maintenance, etc.) Original residents should receive these services and job

opportunities regardless of whether they have indicated a preference to return to the revitalized site.

3. Section 8 and Mobility Orientation. Relocating families also should now be receiving an intensive introduction to the Section 8 process, including an explanation of how the subsidy works, what expenses families are required to meet, what benefits will be provided to them to help meet those expenses, etc. PHAs should also begin the process of helping to familiarize families with different neighborhoods and the relative benefits of those neighborhoods.
  4. Homeownership preparation courses should begin as early as possible.
- D. The PHA should continue to conduct meetings with tenants--individually and in groups--to discuss the specific relocation procedures that will be followed and estimated timeframes. It is strongly recommended that these meetings be started as early as possible, e.g., at least six months prior to the time the first resident will be required to relocate.
- E. Grantee applies for HOPE VI predevelopment budget approval to pay for relocation and counseling expenses, etc.
- F. Prior to initiating relocation, the PHA must issue another formal Notice to each affected household. The notice to each household must be either:
1. A *Notice of Nondisplacement* (for those households that will definitely not be displaced), or
  2. A *Notice of Eligibility for Relocation Assistance* (for those households who will or may be displaced).
- (This notice is to be issued promptly after the "initiation of negotiations" date for the project--a term defined in HUD Handbook 1378. The definition of the term varies by HUD program. For many HOPE VI projects, the date will be defined as 45 days prior to the issuance of Invitations for Bid for the demolition work. However, due to the wide variation in HOPE VI development project scenarios and funding sources involved, HOPE VI grantees must consult Handbook 1378 to determine the definition applicable to their project.)
- G. Relocation may begin after:
1. Identification of specific housing units to which households will relocate, and
  2. Issuance of any required Ninety-Day and 30-day Notice(s) to each household to be displaced (These notices may be issued together with the Notice of Eligibility, depending on timing of relocation and availability of relocation units--see Relocation Handbook 1378, especially Chapter 2).
  3. Issuance of Section 8 certificates to those families who are scheduled to receive them. Certificates should be issued as far in advance as possible, especially where the PHA anticipates that families will need more time to find a suitable apartment with the certificate.
- H. The PHA continues to provide moving services, intensive housing search assistance, transportation assistance, mobility counseling, etc., to relocatees. This work continues until each family has successfully relocated.
- I. Once the initial relocation is complete, the PHA should provide follow-up services to help ensure that families are successfully transitioning to their new housing and communities and have the services they need to obtain and retain employment.

## Attachment C: Reference Materials

An effective relocation plan must take into account the particular characteristics of the PHA's HOPE VI activities, including the sources of project financing and the resources relied on as replacement housing for families affected by displacement. HOPE VI Grantees should become familiar with the various reference tools that will guide them through the complexities of the relocation process:

- The URA. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended (also referred to as the "Uniform Relocation Act" or "URA") rules at 49 C.F.R. Part 24. The full URA is available on the internet at the following web address: [www.orcolan.com/row/uniform/main.html](http://www.orcolan.com/row/uniform/main.html).
- HUD Handbook 1378, *Tenant Assistance Relocation and Real Property Acquisition*. Handbook 1378 consolidates in one reference guide the regulatory and statutory requirements for relocation for all relocation related to any project receiving HUD funding (the URA requirements). The Handbook is available on request from HUD's Information Resource Center at 1-800-955-2232.
- Regulations governing HUD programs are codified in *the Code of Federal Regulations* (C.F.R.). HUD program rules for projects involving CDBG, HOME and §108 funds are at 24 C.F.R. Part 42. Relocation regulations for public housing development are at 24 C.F.R. §941.207. Relocation rules for public housing modernization are at 24 C.F.R. §968.108. HUD relocation rules for demolition and disposition of public housing are at 24 C.F.R. §970.5. The entire C.F.R. is available on the internet at the following web address: [www.access.gpo.gov/nara/cfr/index.html](http://www.access.gpo.gov/nara/cfr/index.html)
- HUD Notice PIH 99-19 (HA), *Demolition/Disposition Processing Requirements Under the New Law* (April 20, 1999). Notice PIH 99-19 summarizes the changes made by the Quality Housing and Work Responsibility Act of 1998 to public housing demolition and disposition procedures, including HOPE VI activities. The Notice, and an on-line demolition application kit are available at the HUD Special Applications Center website at [www.hud.gov:80/pih/sac/demodispo.html](http://www.hud.gov:80/pih/sac/demodispo.html)
- 24 C.F.R. Part 903, *Public Housing Agency Plans*. This rule establishes requirements for comprehensive PHA planning, including policies for demolition, disposition, deconcentration of poverty and activities that affirmatively further fair housing. HUD's Agency Plan template is located on the web at: [www.hud.gov/pih/pha/plans/phaps-templates.html](http://www.hud.gov/pih/pha/plans/phaps-templates.html)
- *The Mixed Finance Guidebook* (December 1998), which provides an overview of the mixed finance approach to developing public housing. Available from the HUD Information Resource Center at 1 800-955-2232
- *The HOPE VI Grant Implementation Guidebook* (October 1999), intended to provide "nuts and bolts" information about the rules and procedures associated with carrying out a HOPE VI project. Among other things, the guidebook offers valuable guidance on relocation, resident and community involvement, and community and supportive services. This publication is also available on request from the HUD Information Resource Center at 1-800-955-2232.
- Notice PIH 98-50 (HA): *Section 8 Management Assessment Program (SEMAP) Final Rule and Certification Form*. This Rule and the associated form provide a mechanism for PHAs to report on their Section 8 poverty deconcentration and

mobility program activities. See the SEMAP Certification form HUD-52648, which is available, along with many other useful HUD forms, on the HUDClips "forms" web page at: [www.hudclips.org/subscriber/html/forms.htm](http://www.hudclips.org/subscriber/html/forms.htm)

- The *Quality Housing and Work Responsibility Act* (QHWRA, which is also known as the "Public Housing Reform Act") of 1998, especially *Section 535. Demolition, Site Revitalization*, which describes the HOPE VI program. The full text of QHWRA and additional related resources are available on HUD's internet web site at: [www.hud.gov:80/pih/legis/titlev.html](http://www.hud.gov:80/pih/legis/titlev.html)
- Information about HUD's *Multifamily Tenant Characteristics System* (MTCS), including Section 8 Deconcentration Analysis Report capabilities, may be found on HUD's website at: [www.hud.gov/pih/systems/mtcs/pihmtcs.html](http://www.hud.gov/pih/systems/mtcs/pihmtcs.html)
- 24 CFR Part 903 *Public Housing Agency Plans*; Final Rule. While formulating its Agency Plan, a PHA must include information about proposed demolition activity, and any related policies regarding mobility and deconcentration. HUD's PHA Agency Plan template and related material is available on the HUD's internet web site at: [www.hud.gov/pih/pha/plans/phaps-templates.html](http://www.hud.gov/pih/pha/plans/phaps-templates.html)

## Attachment D: Summary of Basic Relocation Benefits

Tenants required to relocate due to HOPE VI-funded project activities such as demolition and renovation construction work are entitled to receive certain benefits in the form of notices, advisory and counseling services, replacement housing, and housing assistance payments. These notices, services and payments are required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (also known as the Uniform Relocation Act, or "URA"). The policies and procedural requirements of the URA as applied to HUD-funded programs are consolidated in HUD Handbook 1378, "Tenant Assistance, Relocation and Real Property Acquisition."

Generally, the following notices, counseling and benefits will apply to most HOPE VI projects. However, HOPE VI grantee Public Housing Authorities (PHAs) must consult the applicable program regulations, and HUD Handbook 1378 to determine how the specific policy and procedural relocation requirements, including the URA, apply to their particular HOPE VI activities. The timing of notices and services, and the levels of benefits may vary depending on the nature and timing of specific HOPE VI projects, and the rules associated with various types of funding.

### Notices

The following notices must be provided to residents in developments scheduled for demolition or rehabilitation under HOPE VI projects subject to the URA:

**General Information Notice.** As soon as possible following the PHA's decision to apply to HUD for HOPE VI grant funding or demolition approval--whichever is first, the PHA should provide residents with a *General Information Notice*. This notice will explain the nature of the proposed project, describe in general terms the relocation assistance the PHA will make available to residents, and explain the proposed timetable for relocation. The notice should state that the PHA will provide all residents with comparable replacement housing and advise them not to move. The timing of this notice may vary. The timing of the issuance of this Notice may vary depending on local circumstances, project timing and phasing, and other requirements. See Relocation Handbook 1378, and applicable statutes and regulations.

**Notice of Eligibility for Relocation Assistance (or a Notice of Nondisplacement).** As soon as possible following HUD approval of the PHA's demolition application, or HOPE VI grant award, whichever is first, the PHA must provide residents with a more specific notice of their rights. In rare instances, such as when tenants will only be required to move temporarily for renovation, the PHA will issue a Notice of Nondisplacement. In the majority of HOPE VI projects in which the development is being partially or totally demolished, tenants will be issued a *Notice of Eligibility for Relocation Assistance*. This document should inform residents of the specific relocation services and benefits to which they are entitled, when they will receive those services and benefits, and any procedures that must be followed to obtain them. This notice should again advise residents not to move.

**Ninety Day Notice.** No resident to be displaced can be required to move unless the household has first received at least 90 days written notice of the earliest date the family will be required to move. The 90 Day Notice must either state a specific date the family must move, or state the earliest possible date for a move and indicate that the family will receive another notice providing the specific move date at least 30 days before they are required to move. (**Thirty Day Notice.** Where a family is issued a 90 Day Notice that does not specify the exact date of displacement, the PHA must provide a final notice that states the exact date at least 30 days before the move.)

Further guidance on these notices (and sample forms) may be found in HUD Handbook 1378 and in the applicable statutes and regulations.

### ***Advisory Services and Counseling***

Relocation advisory services must include one or more personal interviews with each household. Typically, the PHA would survey residents early in the process to determine each household's general relocation preferences, then provide additional counseling, services and information as specific replacement housing options are identified.

The PHA must develop plans to communicate with families who are not proficient in English, and with people with disabilities. At minimum, advice and counseling must:

- determine the needs and housing preferences of individual families;
- explain the availability of relocation benefits and services, including the eligibility requirements, the procedures for obtaining benefits and services, and the amount of the replacement housing payment, if any;
- explain the timetable for temporary relocation or permanent displacement;
- advise the family of specific comparable replacement dwellings that may be available (see below);
- maintain (and provide families with) current and continuing lists and other information on suitable rental housing located throughout the metropolitan housing market; and
- provide transportation to view replacement housing.

### ***Replacement housing***

In general, residents who face permanent displacement should be offered three specific comparable replacement dwelling units. If three units are not available, the PHA must identify at least one replacement dwelling. Replacement housing should be provided on a non-discriminatory basis, in compliance with fair housing and other civil rights laws. The offers of comparable replacement housing should be made in writing at least 90 days prior to the time the family is required to relocate. Residents may refuse the offers of comparable replacement housing and relocate to housing of their choice.

*Comparable Replacement Dwelling.* To be "comparable," a replacement dwelling must:

- meet HUD Housing Quality Standards;
- be "functionally equivalent" to the displaced dwelling and have the appropriate number of bedrooms for the displaced household;
- be located in an area that is generally not less desirable than the location from which they are relocated; and
- not increase the tenant's costs for at least the 42 months following relocation. In other words, the tenant must not pay more for rent and utilities following relocation than he or she did prior to relocation. As described below, PHAs may use supplemental payments to ensure that family's costs do not increase following relocation.

The comparable replacement units must actually be "available" to the tenant, which means the tenant would be able to move in should he or she accept the offer. If the tenant is being relocated through the use of a Section 8 certificate, the offered unit is "available" to the tenant only if the landlord is participating in the Section 8 program, and is willing to accept the tenant and the certificate.

Whenever possible, minority residents shall be given reasonable opportunities to relocate to replacement dwellings not located in an area of minority concentration.

PHA may utilize several kinds of replacement housing resources:

- |                                     |                                   |
|-------------------------------------|-----------------------------------|
| > Other public housing              | > Project-based rental assistance |
| > Tenant-based §8 rental assistance | > New HOPE VI units               |
| > Homeownership opportunities       | > Private unsubsidized housing    |

***Relocation benefits***

Rental Assistance Payment: If the move to replacement housing causes a family's costs for rent and utilities to increase relative to their costs in public housing, the PHA must provide supplemental payments to (or on behalf of) the family to cover the increased costs. In general, the supplemental payments must be provided for a period of 42 months. In projects that are also funded with federal Community Development Block Grant (CDBG), HOME or §108 funds, supplemental payments may be necessary for a period of 60 months. For more detail on supplemental payments, see HUD Handbook 1378 paragraphs 3-4 and 3-7.

Moving Expenses: Relocating residents are entitled to payment for their actual moving and related relocation expenses, so long as those expenses are reasonable. The payment must include expenses for:

- transportation to replacement dwelling;
- packing, moving and unpacking furniture and family belongings;
- storage for a period not to exceed 12 months;
- disconnecting, dismantling, moving and re-assembly of household appliances;
- utility hook-ups, including re-installation of telephone and cable service;
- insurance against loss of personal property during the move, or the replacement value of any property lost, stolen or damaged during the move;
- credit checks; and
- other reasonable moving expenses.

Note: When necessary, assistance with downpayments required for initial occupancy of replacement housing, such as security deposits and last month's rent, may also be considered by the PHA. However, since such costs are generally recoverable, they should be considered an advance or loan. As such, PHA's should make reasonable arrangements with the tenant or landlord to attempt repayment of these advances.

In lieu of payment for their actual moving costs, PHAs must offer relocatees moving out of public housing the option of receiving a fixed payment for moving expenses. Fixed payments are based on a schedule of allowances published by the Federal Highway Administration. The schedule is included as an Appendix 28 in the Relocation Handbook 1378. Where a household is moved by the PHA to another public housing development, and incurs no other relocation costs, they are to receive a fixed moving allowance of \$50.

***Appeals***

The PHA's relocation plan must include an opportunity for an appeal through the PHA's usual grievance procedure, except that the time limit for requesting an appeal may not be less than 60 days after the family receives written notice of the disputed decision. Households dissatisfied with the outcome of a grievance must be advised in writing of the right to seek further review at the local HUD Field Office. Disputes subject to appeal must include the PHA's determination of eligibility for assistance, including denial of eligibility and determinations of family status as displaced persons, and PHA decisions about the nature, scope and amount of relocation assistance.